United Nations Convention on the Law of the Sea CLCS/39

Commission on the Limits of the Continental Shelf

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Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission*

1. The thirteenth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters from 26 to 30 April 2004, pursuant to its decision taken at its twelfth session (CLCS/36, para. 32) and paragraph 18 of General Assembly resolution 58/240.

2. The following 19 members of the Commission attended the session: Hilal Mohamed Sultan Al-Azri, Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Indurlall Fagoonee, Noel Newton St. Claver Francis, Mihai Silviu German, Abu Bakar Jaafar, Mladen Juračić, Wenzheng Lu, Yong-Ahn Park, Fernando Manuel Maia Pimentel, Philip Alexander Symonds, Kensaku Tamaki, Naresh Kumar Thakur and Yao Ubuènalè Woeledji.

3. Samuel Sona Betah did not attend the session. Yuri Borisovitch Kazmin informed the secretariat of the Commission that he could not attend the session due to circumstances beyond his control.

4. The Commission had before it the following documents:

(a) Provisional agenda (CLCS/L.16);

(b) Statement by the Chairman of the Commission on the progress of its work at its twelfth session (CLCS/36);

(c) Outline of the training manual on the preparation of a submission to the Commission (CLCS/37);

(d) Note on the modus operandi of the Commission (CLCS/L.3);

(e) Note on procedures for the handling, consideration and reporting of a submission made by a coastal State to the Commission/modus operandi for the consideration of a submission made to the Commission, prepared by the Chairman of the Editorial Committee for comments by the Commission (CLCS/2004/CRP.1);

* The present document was submitted later than originally scheduled because of the necessity for additional consultations.

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(f) Proposal for amendments to the rules of procedure of the Commission, prepared by the Chairman of the Editorial Committee for comments by the Commission (CLCS/2004/CRP.2).

5. *Opening of the thirteenth session by the Chairman of the Commission and adoption of the agenda*. The meeting was opened by the Chairman of the Commission, Peter F. Croker. The Chairman proposed the provisional agenda (CLCS/L.16) for consideration by the Commission and suggested that the order of the items should be modified to reflect the proposed organization of work. After a review of the agenda and of proposals for the sequence of items to be discussed, the agenda was adopted as amended (CLCS/38).

6. *Agenda item 3: Organization of work*. The Chairman outlined the programme of work and the schedule for the Commission's deliberations on the various items listed in the agenda.

7. *Agenda item 4: Report of the Chairman on the thirteenth Meeting of States Parties*. The Chairman introduced an informal paper containing his letter dated 15 May 2003 addressed to the President of the thirteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/94) and excerpts from the report of that meeting (SPLOS/103, paras. 82-93). The paper also noted that the discussion on article 319 of the Convention, which related to the competence of the Meeting of States Parties to discuss and decide upon substantive issues relating to the Convention, was of interest to the Commission. That item had been retained on the agenda for the fourteenth Meeting of States Parties, to be held in June 2004. Lastly, the Chairman informed the Commission that he had been invited to attend that meeting as an observer and to make a statement on the work of the Commission (SPLOS/L.37, agenda item 10). The Commission took note of the report.

8. *Agenda item 5: Lessons learned from the experience of the subcommission with the first submission to the Commission*. The Chairman introduced an informal paper containing his recollection of significant events that had taken place during the consideration of the first submission to the Commission, which was made by the Russian Federation. That paper had been written at the request of the Commission with the aim of capturing the lessons learned and the collective experience gained. Procedural issues that had already been comprehensively covered in other Commission documents had been deliberately omitted from the lessons-learned paper. The Commission then undertook an exchange of views, focusing on such issues related to the consideration of a submission as the availability of scientific literature related to received submissions in the Division for Ocean Affairs and the Law of the Sea library, translation of documents, the need for the members of a subcommission to work during the intersessional period and other issues. In particular, in the view of the Chairperson and other members of the Subcommission, in the light of the experience of the Subcommission, the advantages were emphasized of close cooperation among the representatives of the coastal State, the members of the Secretariat and the members of the subcommission in resolving various technical difficulties related to the format of the data accompanying the submission. It was further noted that the Commission as a whole might need more time to examine the recommendations of the Commission prepared by the subcommission and to seek the views of its members on various points. Other members of the Commission emphasized the need for States to follow the scientific

and technical guidelines in order to facilitate the consideration of their submissions. They also stressed the importance of the submission of data in electronic format, the need for quality control and for appropriate procedures in case the submission contained conflicting data.

9. It was agreed that the lessons-learned paper should be kept under review by the Commission to reflect the discussion and to incorporate the additional practical and useful points made by various members of the Commission. The paper should be periodically updated in order to incorporate new experience gained with new submissions and retained for internal reference for the members of the Commission.

10. *Agenda items 6, 7 and 12: Consolidation of the modus operandi and internal procedures documents of the Commission*. The Commission requested its Editorial Committee, under the chairmanship of Harald Brekke, to continue its work on the draft consolidation of these two documents on the basis of the combined document (CLCS/2004/CRP.1), which had been prepared by the Chairman of the Editorial Committee during the intersessional period and submitted for comments to the Commission. It was decided to retain the alternative title "Modus operandi for the consideration of a submission made to the Commission on the Limits of the Continental Shelf" as the title of the document.

11. *Amendments to the rules of procedure of the Commission*. The Commission also requested the Editorial Committee to consider the proposals for amendments contained in document CLCS/2004/CRP.2.

12. *Report of the Chairman of the Editorial Committee*. Mr. Brekke reported to the Commission that the Editorial Committee had held a number of meetings during the current session and proceeded with a detailed review of draft documents CLCS/2004/CRP.1 and 2. As a result, the Committee had finalized document CLCS/2004/CRP.1 and decided to include it as annex III to the rules of procedure. It had also agreed on draft amendments to the rules of procedure and submitted those drafts to the Commission for adoption. The Commission took note of the report and expressed its appreciation to the Chairman of the Editorial Committee for his work.

13. The Commission then proceeded with the formal adoption of annex III to the rules of procedure and of the amendments to several rules. Following the unanimous approval of the texts, the Commission requested its secretariat to reissue the rules of procedure, with the annexed modus operandi, as a new consolidated document (to be issued as CLCS/40), thus incorporating what had originally been three separate documents into a single document. The Commission also entrusted its secretariat with the correction of any typographical errors and with the improvement, if required, of the grammar and syntax of the document, under the supervision of the Chairman of the Editorial Committee.

14. As a result of the adoption of the amended rules of procedure, the title of Rapporteur was changed to that of Vice-Chairman of the Commission. That post is currently occupied by Yong-Ahn Park.

15. *Agenda items 8 and 14: Training issues and the preparation of the training manual. Report of the Chairman of the Training Committee*. A training manual is being prepared by the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat in accordance with the recommendation of the Commission made at its tenth session (CLCS/32, para. 24) and on the basis of the modalities discussed at the eleventh session (CLCS/34, para. 37), namely that the

manual should appear in the form of a kit, consisting of printed material and compact discs with maps, figures and interactive material, and that two members of the Commission, namely Mr. Brekke and Mr. Carrera, had agreed to assist the secretariat as coordinators. Mr. Carrera reported to the Commission on the status of the manual and the stages of completion of various modules. He stated that a number of qualified experts from both within and outside the Commission had been invited to participate in its preparation, and several had responded positively. However, due to their often busy schedules, those experts had in most cases provided scientific articles, studies and other material rather than the training modules themselves. That material needed to be reviewed and adapted before being included in the manual, which had substantially delayed the preparation of a number of modules. The Commission expressed its appreciation to the two coordinators and encouraged them to continue working closely with the experts and the secretariat to finalize the manual as soon as possible.

16. The Training Committee met under the chairmanship of Indurlall Fagoonee. It took note of the provisions of General Assembly resolution 58/240 dealing with training courses to assist developing States in the preparation of their submissions and capacity-building, including capacity-building for the production of nautical charts. It also noted the amendments adopted by the General Assembly, in its resolution 58/240, to the terms of reference, guidelines and rules of the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention.

17. The Committee was also informed about various training courses at the national or regional levels that was either being envisaged or was in various stages of preparation. The Committee noted that in many instances, funding remained an element crucial to the successful completion of training projects. The Committee also pointed out a lack of regional training initiatives in Africa.

18. Mr. Carrera informed the Committee about the availability of software that until recently had been a component of a commercial application. That software was being made available for use, especially by developing countries, free of charge but exclusively for non-profit purposes.

19. The Committee briefly discussed the possibility of convening another open session of the Commission, as well as holding a pilot five-day training course in Jamaica. However, in view of the potential heavy workload in 2005, the Committee did not engage in a detailed consideration of those projects.

20. *Agenda item 9: Response to the letter received 3 June 2003 from the Russian Federation*. A letter from I. F. Glumov, Deputy Minister for Natural Resources of the Russian Federation, had been transmitted to the Chairman of the Commission by the Permanent Mission of the Russian Federation on 3 June 2003, and upon its translation had been circulated to the members of the Commission. The letter contained questions and comments relating to the Commission's recommendations with regard to the submission by the Russian Federation on 20 December 2001 of information on the proposed outer limits of its continental shelf beyond 200 nautical miles. A draft response had been prepared by the members of the Subcommission who dealt with the submission. After reviewing the draft, the Commission agreed with the contents and approach taken in the response. The Chairman requested the

secretariat to transmit the response to Mr. Glumov through the Permanent Mission of the Russian Federation.

21. *Agenda item 10: Exchange of information on other meetings of interest to the Commission.* The Secretary of the Commission provided the members with information about a number of meetings of interest to the Commission, in particular an international conference on addressing difficult issues in the Convention, which had been organized by the IHO/IAG/IOC Advisory Board on the Technical Aspects of the Law of the Sea in Monaco and held at the International Hydrographic Bureau from 28 to 30 October 2003.

22. Members of the Commission also shared information about various other forthcoming meetings, namely:

(a) Fourth session of the Advisory Body of Experts on the Law of the Sea, Lefkada Island, Greece, 4 to 7 May 2004;

(b) Tenth session of the Legal and Technical Commission of the International Seabed Authority, Kingston, Jamaica, 24 May to 4 June 2004, focusing on the consideration of the draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the area;

(c) Conference on arctic geology, hydrocarbon resources and environmental challenges, held at the Polar Environmental Centre, Tromsø, Norway, 24 to 26 May 2004;

(d) Fifth meeting of the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea, to be held at United Nations Headquarters from 7 to 11 June 2004, which will focus on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction; time will be allocated to convene an international workshop on a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects;

(e) Fourteenth meeting of States Parties to the Convention, United Nations Headquarters, 14-18 June 2004;

(f) Thirty-second International Geological Congress Florence, 20-28 August 2004;

(g) Activities of GRID;

(h) An intergovernmental meeting to formally establish a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, and to finalize and adopt the document relating to that establishment, to be hosted by the Government of Iceland in Reykjavik in October 2004.

23. The Chairman noted that 2004 also marks the beginning of the integrated ocean drilling programme. Drilling legs will take place in the Arctic Ocean (Lomonosov Ridge) and the North Atlantic. In the Pacific, the *Chikyu*, a new drill ship built by the Government of Japan, will undergo final trials and should be ready for scientific drilling in 2006. A member of the Commission, Kensaku Tamaki, a member of the Executive Committee of the programme, is directly involved in those activities.

24. *Agenda item 11: Report of the Chairman of the Committee on Confidentiality.* The Chairman of the Committee on Confidentiality, Bakar Jaafar, stated that, in view of the absence of any communication on alleged breaches of confidentiality by current or former members of the Commission, it had not been necessary to hold any meeting of the Committee in accordance with rule 5 of annex II to the rules of procedure.

25. *Agenda item 13: Report of the Chairman of the Standing Committee on the provision of scientific and technical advice to coastal States.* A brief meeting of the Committee was held on 28 April 2004, during which it considered a number of issues. The Committee noted that to date there had been no formal requests for advice by any coastal State, and that that situation was surprising given the fact that providing scientific and technical advice was one of the two main functions of the Commission.

26. The Chairman of the Committee reminded the members to submit short biographic notes, including a brief statement of expertise, for posting on the Division of Ocean Affairs and the Law of the Sea web site. Members were asked to send the information to the secretariat according to a distributed proforma curriculum vitae as soon as possible after the current session.

27. *Agenda item 15: Other matters.* The Chairman and the Secretary of the Commission informed the members of responses to a note verbale from the Division of Ocean Affairs and the Law of the Sea addressed to certain coastal States, requesting them to indicate the projected timing of their potential submissions to the Commission to allow the Division to make appropriate preparations for their receipt and examination. It was noted that seven States had informed the Secretariat that their submissions to the Commission were expected to be completed within the next three years. Australia notified the Division during informal consultations that it intended to submit data and other information regarding the outer limits of its continental shelf beyond 200 nautical miles before the expiration of its original deadline, i.e., by 16 November 2004. Brazil informed the Division that its submission would be made during 2004. Ireland intended to proceed with its submission in 2005, Norway not before 2006, Namibia in 2007, Pakistan in 2007/2008 and Sri Lanka in 2007. Several other States had replied, indicating that the process of preparing their submission was under way but that they were not yet able to predict a date for its completion.

28. The Commission decided to defer until its next session the appointment of two members to fill the vacancies in the subcommission established to deal with the submission from the Russian Federation.

29. The Commission also discussed the dates and venue of its next sessions. The fourteenth session of the Commission will be held from 30 August to 3 September 2004. In the event that a submission is received by 30 May 2004, the fourteenth session will be followed by two weeks of meetings of a subcommission. Should no submission have been received by 30 May 2004, the fourteenth session will be devoted to scientific presentations and discussions relevant to the work of the Commission and presentations of the completed modules of the training manual.

30. It was further decided that two sessions will be held in 2005. The fifteenth session will be held from 4 to 8 April 2005, followed by two additional weeks of meetings of subcommissions in the event that further submissions were made to the

Commission; the sixteenth session will be held from 29 August to 2 September 2005, also followed by two additional weeks of meetings of subcommissions in the event that further submissions were made to the Commission.

31. Finally, the Commission renewed its expressions of appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff for the assistance and services provided during the current session. On the occasion of the retirement of the current Director of the Division, Annick de Marffy, the Commission thanked her for her unfailing support since its inception and wished her well in her future endeavours. The Commission also welcomed the incoming Director of the Division, Vladimir Golitsyn, who participated in a number of the meetings at the thirteenth session.